

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/572,795
Applicant : Wilckens et al
Filed : October 9,2008
TC/A.U. : 1614
Examiner :

Docket No. : 3724-101
Customer No. : 06449
Confirmation No. : 4240

Request for Corrected Filing Receipt

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

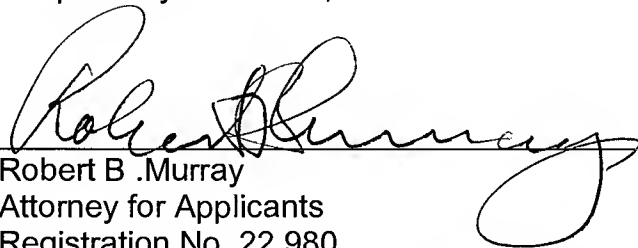
Applicants have received a Filing Receipt for the above application, and request that a corrected filing receipt be issued to add Ariane Volkmann as an inventor.

Enclosed is copy of the Decision received from the Patent and Trademark Office on November 18, 2009, indicating that Ms. Volkmann is an inventor for the above application.

A copy of the Official Filing Receipt with the changes shown is enclosed.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

By 
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16 NOV 2009

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06449
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In re Application of :
WILCKENS *et al* :
U.S. Application No.: 10/572,795 :
PCT No.: PCT/EP2004/010582 :
Int. Filing Date: 21 September 2004 :
Priority Date: 22 September 2003 :
Docket No.: 3724-101 :
For: PREVENTION AND TREATMENT OF :
INFLAMMATION-INDUCED AND/OR :
IMMUNE-MEDIATED BONE LOSS :

DECISION

This is a decision on the request to add Ariane Volkmann as an inventor in the above-captioned application filed on 09 October 2008. This request is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 14 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 09 October 2008, applicants filed a response which was accompanied by, *inter alia*, a request to add an inventor, a \$130.00 processing fee, a four-month extension and fee, a statement by Ariane Volkmann, a written consent of the assignee along with copies of the assignment.

On 20 August 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned for failing to respond to the Form PCT/DO/EO/905 mailed 14 April 2008.

DISCUSSION

Applicants timely responded to the Form PCT/DO/EO/905 with the response filed 09 October 2008.

Accordingly, the Form PCT/DO/EO/909 mailed 20 August 2009 was sent in error, and is hereby **VACATED**.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

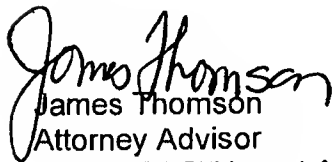
Applicants filed the requisite statement by Mr. Volkmann. The processing fee of \$130.00 has been paid. Applicants also submitted a consent of assignee signed by the CEO of Onepharm Research and Development GmbH who states that he has the authority to act on behalf of the assignee. A copy of the executed assignment was also provided. Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add an inventor under 37 CFR 1.497(d) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 September 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 09 October 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.


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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/572,795	10/09/2008	1614	1330	2923-751	18	2

CONFIRMATION NO. 4240

6449

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FILING RECEIPT



0C000000039274486

Date Mailed: 12/23/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Thomas Wilckens, Muenchen, GERMANY; Ariane VOLKMANN, Diessen, Germany

Power of Attorney: The patent practitioners associated with Customer Number 6449

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/10582 09/21/2004
which claims benefit of 60/504,717 09/22/2003

Foreign Applications

If Required, Foreign Filing License Granted: 12/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/572,795**

Projected Publication Date: 04/01/2010

Non-Publication Request: No

Early Publication Request: No